

UNITED STATES DISTRICT COURT**DISTRICT OF ARIZONA**

United States of America

v.

Santos Pablo VALDEZ-Lopez
 Axel Adrian MARISCAL-Flores
 Juan Carlos HIGUERA-Gil

CRIMINAL COMPLAINT

CASE NUMBER: MJ-24-04390-PCT-CDB

I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about the date described in Attachment A in the County of Coconino in the District of Arizona, the defendant committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment and Aid and Abet, in violation of Title 18, United States Code (U.S.C.) §§ 659 and 2, offense described as follows:

See Attachment A, Description of Count

I further state that I am a Special Agent for Homeland Security Investigations (HSI) and that this complaint is based on the following facts:

See Attachment B, Statement of Probable Cause, Incorporated by Reference Herein.

Continued on the attached sheet and made a part hereof: Yes No

AUTHORIZED BY: Parker Stanley, AUSA

Brynnna Cooke, SA for HSI
 Name of Complainant

Sworn to telephonically before me

October 31, 2024

Date

HONORABLE CAMILLE D. BIBLES
 United States Magistrate Judge
 Name & Title of Judicial Officer


BRYNNNA M COOKE Digitally signed by BRYNNNA M
 COOKE Date: 2024.10.31 07:38:36 -07'00'

Signature of Complainant

Flagstaff, Arizona

City and State

Camille D.
Bibles


 Digitally signed by Camille
 D. Bibles Date: 2024.10.31 14:25:35
 -07'00'

Signature of Judicial Officer

ATTACHMENT A

DESCRIPTION OF COUNT

COUNT 1

Theft from Interstate Shipment

On October 19, 2024, in the District of Arizona, Santos Pablo VALDEZ-Lopez, Axel Adrian MARISCAL-Flores, and Juan Carlos HIGUERA-Gil knowingly possessed goods and chattels, to wit: Nike Shoes, of a value in excess of \$1000.00, which had been stolen from a BNSF train while moving in interstate commerce from California to Arizona, knowing the said goods and chattels to be stolen.

All in violation of Title 18, United State Code, Sections 659 and 2.

ATTACHMENT B**STATEMENT OF PROBABLE CAUSE**

I, Brynna Cooke, a Special Agent for Homeland Security Investigations (HSI), being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with HSI and have been so employed since April 2024. I have a Bachelor of Science in Marine and Environmental Science from the United States Coast Guard Academy. Prior to my employment with HSI, I served as a United States Customs and Border Protection Officer for approximately four years and a Coast Guard Officer for approximately seven years. I am a law enforcement officer of the United States, and I am empowered by law to conduct criminal investigations, make arrests, and serve search and arrest warrants.

2. As a Special Agent with HSI, your Affiant investigates criminal violations of United States law, including import and export violations, controlled substances law violations, and money laundering violations. Your Affiant is familiar with investigations involving stolen vehicle organizations, theft ring investigations, possession, manufacture, distribution, and importation of controlled substances, as well as methods used to finance drug transactions. As an HSI Special Agent, your Affiant has been trained in conducting narcotics and money laundering investigations and received specialized training concerning violations of the Controlled Substances Act contained within Title 21 of the United States Code. I am currently assigned to the HSI Flagstaff Office located in Flagstaff, Arizona, where we investigate transnational criminal organizations to include money laundering and drug trafficking organizations operating throughout the United States.

3. By virtue of my employment as a Special Agent, your Affiant has performed various tasks, which include, but are not limited to:

- a. functioning as a surveillance agent, thus observing and recording movements of persons involved in violations of United States Code as well as violations of Arizona State law;

- b. functioning as a case agent, entailing the supervision of specific investigations involving various crimes throughout the United States; and
- c. conducting complex investigations involving transnational criminal organizations committing various crimes throughout the United States.

4. I have consulted with other experienced investigators concerning the practices of transnational criminal organizations and the best methods of investigating them. In preparing this affidavit, I have conferred with other Special Agents and law enforcement officers. Furthermore, I have personal knowledge of the following facts or have learned them from the individual(s) mentioned herein.

5. Based on the below facts, your Affiant submits there is probable cause that Santos Pablo VALDEZ-Lopez, Axel Adrian MARISCAL-Flores and Juan Carlos HIGUERA-Gil committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment and Aid and Abet, in violation of Title 18, United States Code (U.S.C.) §§ 659 and 2.

BACKGROUND

6. Over the past fifteen years, several Transnational Criminal Theft Organizations have been burglarizing BNSF Railway and Union Pacific trains throughout the Southwest of the United States to include Arizona. These organizations consist primarily of Mexican citizens from the Mexican State of Sinaloa who operate out of Arizona and California, with extensive connections throughout California, Arizona, and New Mexico. The train burglaries have increased in frequency over the past two years.

7. The suspects usually scout high value containers on the BNSF railway on Eastbound trains that parallel Interstate 40 near Needles, California. Once the organization targets a particular train of interest, they typically find a location for several train burglars to get on the train. Once on the train, the burglars open container doors while the train is moving and target merchandise to steal such as electronics, tools, and footwear. The burglars often target containers with visible high-security locks and use reciprocating saws, bolt-cutters, or similar tools to defeat the locking mechanisms. Once the burglars target a specific container that has desirable merchandise, the burglars on the train communicate with follow vehicles utilizing cellular devices, and those follow vehicles surveil the train until it stops, or the burglars will cause the train to stop

to unload the freight. The suspects often cut the train braking system air hose, which causes the train to go into an emergency stop (commonly referred to as “UDE”), which is a sudden and dramatic application of all the brakes on the train. By cutting an air hose, the burglars can control when and where the train is stopped to unload the cargo they target to burglarize. This act is very dangerous and can cause a train to derail, which could ultimately cause serious injury or death to BNSF employees or citizens. The suspects have also sabotaged the train signal system by cutting the locks off signal boxes and then by cutting the control wires inside. This is also a dangerous act that creates dark areas on the rail network, requiring non-traditional train dispatching functions and extensive repairs. High-value trains travel at speeds up to 70 MPH on multiple tracks in both east and west directions. The train crews and train dispatchers rely on the signals for safe transportation.

8. Once the burglars unload the merchandise from the container that is on the train, the burglars often hide the product in fields or brush adjacent to the BNSF tracks to conceal it until it can be picked up later. The location of the stolen merchandise is then shared by the train burglars with the use of cellular devices to the surveillance crew who are following the train. The organization will then send box trucks to pick up the stolen merchandise if law enforcement is not detected. Often, the box trucks used by the organization were found to have been stolen with their Vehicle Identification Number (VIN) swapped. Once the stolen merchandise has been picked up, it is usually transported to California where it is sold or fenced to wholesale online retailers such as third-party Amazon and eBay resellers.

CURRENT INVESTIGATION

9. Your Affiant learned the following information from reviewing information provided by Yavapai County Sheriff's Office Deputy Conner:

- a. On October 19, 2024 at approximately 00:17 a.m., the Yavapai County Sheriff's Office was notified by Burlington Northern Sante Fe (BNSF) that a train burglary was in process in Seligman, Arizona, near the BNSF railroad tracks. During the same call BNSF told the Yavapai County Sheriff's Office that a box truck was observed on the BNSF railway near the burglary.

- b. When Deputy Conner arrived at the location near the train burglary, approximately six minutes after the call came in, he observed a box truck and three passenger vehicles leaving the area together.
- c. Deputy Conner made a U-turn and began following the box truck. Deputy Conner observed all four vehicles get onto westbound Interstate 40. When the four vehicles entered Interstate 40, Deputy Conner observed the three passenger vehicles were in the front and the box truck was trailing.
- d. While following the box truck on westbound Interstate 40, Deputy Conner observed unusual traveling behavior from a Nissan Pathfinder that he believed was traveling with the box truck and involved with the BNSF train burglary. Deputy Conner observed the Pathfinder interposed itself between the box truck and Deputy Conner's marked patrol car. The Pathfinder slowed down, creating space between itself, the box truck, and Deputy Conner's marked patrol car. After allowing a gap between the Pathfinder and the box truck, Deputy Conner observed the license plate on the Pathfinder to be 8HYB126 registered out of California.
- e. Deputy Conner then passed the Pathfinder quickly and got back behind the box truck. The Pathfinder then fell back but followed behind Deputy Conner.
- f. The box truck continued westbound on Interstate 40 and Deputy Conner continued to follow it and updated dispatch with locations and speeds.
- g. Deputy Conner then observed a dark colored pickup truck traveling with the box truck.
- h. While approaching the Silver Springs Road exit near milepost 79, the dark colored pickup slowed down, attempted to block Deputy Conner from the box truck by blocking Deputy Conner's view of the box truck. Deputy Conner then observed the box truck exit at the Silver Springs Road exit, and Deputy Conner was able to follow the box truck off the same exit. Deputy Conner then observed the box truck slow down and stop at the bottom of the off ramp. Deputy Conner then

observed the box truck turn off all its vehicle lights. Deputy Conner then observed the box truck turn on its vehicle lights and then reenter westbound Interstate 40.

- i. Deputy Conner then started to coordinate with the Arizona Department of Public Safety to include air unit (Ranger 58) and other Troopers on the ground to assist.
10. Your Affiant learned the following information from reviewing information provided by Arizona Department of Public Safety Trooper Toledo:
 - a. Near milepost 57, Trooper Toledo observed the box truck traveling westbound on Interstate 40 with Deputy Conner following. Trooper Toledo observed a Nissan Pathfinder attempting to distract interdictors by driving between marked police units and the box truck.
 - b. Once Trooper Toledo caught up to the box truck, he turned on his emergency lights and sirens. The box truck failed to yield and sped up above the speed limit. Trooper Bott deployed spike strips which struck the box truck.
 - c. Trooper Toledo observed the box truck continue to flee and then observed the box truck enter an unmanned construction zone near MM 53.
 - d. Near MM 52, Trooper Otto also deployed spike stripes on the box truck.
 - e. Trooper Toledo then observed the box truck continue to flee and not stop for police.
 - f. Trooper Toledo then observed the box truck drive onto the depressed median toward eastbound traffic.
 - g. Trooper Toledo then observed the box truck traveling westbound in the eastbound Interstate 40 lanes barely avoiding a head-on collision with a tractor trailer which swerved to avoid the collision.
 - h. Due to the dangerous situation, Trooper Toledo positioned himself on the right side of the box truck and attempted a pursuit intervention technique (PIT) on the

right rear quarter panel. The first attempt was unsuccessful but on the second attempt, Trooper Toledo was able to move the box truck to the dirt shoulder.

- i. Trooper Toledo then observed the driver exit the box truck and attempt to flee on foot. After a foot pursuit, Santos Pablo VALDEZ-Lopez was arrested without incident.
- j. A safety check of the box truck revealed approximately 150 master cases of Nike shoes inside the box truck with Nike style number DD1503-101.

11. Your Affiant learned the following information from reviewing information provided by Arizona Department of Public Safety Trooper Otto:

- a. As Troopers were ending the pursuit with the box truck, Trooper Otto observed the Pathfinder that was shadowing the box truck prior to the vehicle stop. Trooper Otto observed the Pathfinder had California registration, and it was covered in dirt and dust consistent with other vehicles encountered in the past that were involved in burglarizing BNSF trains. Trooper Otto then observed the Pathfinder had California license plate 8HYB126.
- b. Trooper Otto observed the Pathfinder slow down as it traveled westbound on Interstate 40 and appeared to be observing the pursuit with the box truck that was coming to an end.
- c. Trooper Otto followed the Pathfinder to milepost 48 when he activated his emergency lights and sirens to conduct a vehicle stop.
- d. Trooper Otto observed the Pathfinder immediately accelerated to speeds of 90-100 miles per hour and a pursuit was initiated and Ranger 58 started to assist from the air.
- e. Trooper Otto observed the Pathfinder pass two semi-trucks and trailers on the right shoulder attempting to elude him.
- f. At milepost 37, Trooper Otto observed the Pathfinder exit and drive toward the BNSF railway where it took the frontage dirt road.

- g. Trooper Otto observed the Pathfinder continue from milepost 37 to milepost 28, on this dirt frontage road before reentering Interstate 40.
- h. Once back on Interstate 40, Trooper Otto observed the Pathfinder travel from milepost 28 to milepost 13; the vehicle turned off its lights and was still traveling westbound on Interstate 40 at speeds from 100-115 miles per hour.
- i. Trooper Otto continued to pursue the Pathfinder with lights and siren, and he also gave verbal commands to the pathfinder to stop by utilizing his public address system in his marked patrol unit.
- j. Trooper Otto then observed the Pathfinder exit milepost 13 at Franconia Road, and again returned to the frontage dirt road that ran along the railroad track, still heading westbound.
- k. Ranger 58 was still overhead monitoring the Pathfinder when Trooper Otto lost distance behind the Pathfinder due to the terrain.
- l. Ranger 58 advised the Pathfinder's occupants had bailed from the vehicle.
- m. Ranger 58, utilizing forward looking infrared, advised that they were following three subjects that ran north from the Pathfinder to the mountains as well as simultaneously following two additional subjects that ran from the Pathfinder south toward Interstate 40 for a total of five subjects.
- n. Ranger 58 directed Trooper Otto into the area where the subjects were until he became disabled in the soft sand terrain.
- o. When Trooper Otto arrived at the Pathfinder, he observed the driver's door had remained open. The Pathfinder had a black cellular phone on the front driver's seat. When Trooper Otto cleared the Pathfinder for safety, he observed items believed to be stolen from a BNSF train to include new hats, new blue Nike tennis shoes in their original boxes, and loose white children's tennis shoes stuffed into a backpack.

- p. Ranger 58 then directed Mohave County Sherriffs Office deputies and Trooper Theobald to the three subjects that had fled north, across and over the BNSF railroad right of way, toward the mountains as they had never lost track of them.
- q. Two of the subjects were subsequently taken into custody without incident. The suspects were identified as Axel Adrian MARISCAL-Flores, and Juan Carlos HIGUERA-Gil.
- r. The third suspect was pursued on foot for nearly a half hour until Ranger 58 had to land.

12. In October of 2024, BNSF Special Agent Derrick Porter told your Affiant the following information:

- a. Nike Shoe style number DD1503-101 was inside container BEAU5631114 which was being transported on BNSF train ZLACNYC218A. BNSF train ZLACNYC218A stopped in Seligman, Arizona, due to a cut air hose. BNSF train ZLACNYC218A was stopped from October 18, 2024, at 11:47 p.m. until October 19, 2024, at 02:05 a.m., when the air hose was repaired.
- b. Nike style DD1503-101 manufacturer's suggested retail price is \$115 per pair. It is estimated that there were approximately 150 master cases inside the box truck. There are six pairs of shoes in each master case for a total of approximately \$103,500 worth of stolen Nike shoes inside the box truck.

13. Your Affiant conducted Department of Homeland Security import research related to container BEAU5631114 and learned the following:

- a. On October 14, 2024, container BEAU5631114 was shipped on the Motor Vessel CMA CGM OSIRIS 1TU8T from Singapore, and arrived at the Los Angeles, California, Seaport on October 13, 2024.
- b. After its arrival, container BEAU5631114 was transferred to BNSF for transportation along the Transcon to Chicago, Illinois.

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Santos Pablo VALDEZ-Lopez

14. Your Affiant conducted law enforcement checks and learned Santos Pablo VALDEZ-Lopez is a Mexican citizen from Huatabampo, Sonora, Mexico, and is present in the United States illegally. In 2018, VALDEZ-Lopez was convicted for transportation of a narcotic for sale in the state of Arizona. VALDEZ-Lopez was removed from the United States to Mexico in 2021.

Axel Adrian MARISCAL-Flores

15. Your Affiant conducted law enforcement checks and learned MARISCAL-Flores is a Mexican citizen from Los Mochis, Sinaloa, Mexico, and is present in the United States illegally. MARISCAL-Flores was removed from the United States to Mexico in 2021.

Juan Carlos HIGUERA-Gil

16. Your Affiant conducted law enforcement checks and learned HIGUERA-Gil is a Mexican citizen from Los Mochis, Sinaloa, Mexico, and is present in the United States illegally.

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CONCLUSION

17. For these reasons, your Affiant submits that there is probable cause to believe Santos Pablo VALDEZ-Lopez, Axel Adrian MARISCAL-Flores, and Juan Carlos HIGUERA-Gil committed the crime of Possession or Receipt of Goods Stolen from Interstate Shipment and Aid and Abet, in violation of Title 18, United States Code (U.S.C.) §§ 659 and 2.

18. I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Bryonna Cooke

Special Agent
Homeland Security Investigations

Sworn to and subscribed telephonically this 31 day of October, 2024.

Camille D.

Bibles


Digitally signed by Camille D.
Bibles
Date: 2024.10.31 14:25:03
-07'00'

HONORABLE CAMILLE D. BIBLES
United States Magistrate Judge